

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BENJAMIN D. MOAK,	:	CIVIL ACTION NO. 1:15-CV-357
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CAROLYN W. COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 4th day of January, 2016, upon consideration of the report (Doc. 18) of Chief Magistrate Judge Martin C. Carlson, recommending the court dismiss the appeal (Doc. 1) of plaintiff Benjamin D. Moak (“Moak”) from the decision of the administrative law judge denying his application for supplemental security income and disability insurance benefits, and, following an independent review of the record, the court being in agreement with Judge Carlson that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and the court noting that Moak has objected to the report, (Doc. 19), and the Commissioner of Social Security (“Commissioner”) has filed a response (Doc. 20) in support of Judge Carlson’s recommendation, and following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Trans., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested

portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Carlson's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Moak's objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Carlson is ADOPTED.
2. The decision of the Commissioner of Social Security ("Commissioner") denying the application for supplemental security income and disability insurance benefits of Benjamin D. Moak is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Benjamin D. Moak as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania